

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.215 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- -

1. Hari Prasad Chaudhary, S/O Late Vishwa Nath Chaudhary, resident of mohalla-
Bara Bazar, Katihar, P.S- Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Provident Fund Inspector, Bihar.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate with
Mr. D. N. Tiwari, Advocate

For the Respondent/s : APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 10-03-2015

1. No one appears on behalf of the Opposite Party
No.2 on the second consecutive date.

2. The Petitioner seeks revision of the judgment and
order dated 16.09.2008 passed by the FTC-II, Katihar, in Criminal
Appeal No.108 of 1995 by which the appeal was dismissed.

3. Facts of the case is that the Petitioner had been
convicted under Section 14(1A) of the Employees Provident Fund
Act by the Sub-Divisional Judicial Magistrate, Katihar, and
sentenced to undergo rigorous imprisonment for three months and
further to pay a sum of ₹1,000/- in default of which further simple
imprisonment for one month in Case No.CII-26 of 1991.

4. Submission of the Petitioner is that two Directors
had been convicted by the Court below and both of them filed

separate appeals. In the case of one Director, the Appellate Court reduced the sentence to period already undergone but maintained fine of ₹one thousand and in default of which one month simple imprisonment. Where the Petitioner was concerned, since his appeal was transferred to another Court without notice to him, it was decided ex parte and the conviction was upheld.

5. As against the conviction, the Petitioner filed a Criminal Writ Application which stood dismissed being not maintainable. The Petitioner then moved the Hon'ble Supreme Court which condoned the requirement of surrender of the Petitioner on account of his age and hence, the revision application is being entertained ignoring the Patna High Court Rules.

6. Having considered the aforesaid submission, conviction of the Appellant is maintained but sentence is reduced to one already undergone by him during trial. However, fine of ₹one thousand shall remain.

7. With the aforesaid observation / direction, the revision application is disposed off.

(Anjana Prakash, J)

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